

REMARKS

Reconsideration of the application as amended is respectfully requested.

Applicants have further amended claims 2 and 5 to obviate the Examiner's remaining rejections under §112, second paragraph.

The Examiner continues to maintain the rejection of the claims under §112, first paragraph with regard to micro-particles which are loaded with a benefit agent. The Examiner continues to question "how would one raise antibodies against micro-particles loaded with benefit agents." Applicants respectfully continue to traverse the rejection. Antibodies are raised against the benefit agent. See page 10, lines 4-20 of the specification. See example 5 of applicants' specification which describes latex particles (i.e. microparticles) coated with perfume and the results in the presence of CBD fusion protein and without CBD fusion protein. See also example 6 describing coacervate particles with perfume. See page 18 describing the preparation of perfume latex particles and the preparation of coacervate particles. See example 3 describing the preparation of coacervate microcapsules. See example 2 describing latex capture on cellulose fibers. It is not seen how, in light of numerous examples describing micro-particles loaded with a benefit agent, the language of applicants' claims is not enabled by the specification. Consequently, it is respectfully requested that the nonenablement rejection be reconsidered and withdrawn.

The Examiner continues to maintain the rejection of claims 1, 2, 5, 8, 10, 12, 14 and 17 as anticipated by Shoseyov et al. For the anticipation under §102(b) it is necessary for each and every element of the claim to be disclosed by the reference. Shoseyov differs from the present claims in at least that it does not teach or suggest any chemical equilibrium constant, or equilibrium constant lower than $10^{-4}M$, or binding of the high binding antibody or fragment to benefit agent, or microparticles loaded with a benefit agent. The Examiner alleges that "Shoseyov and the present invention are

so close that they are indistinguishable." If the Examiner is relying on his own knowledge of the binding constants in Shoseyov, the affidavit to that effect is requested.

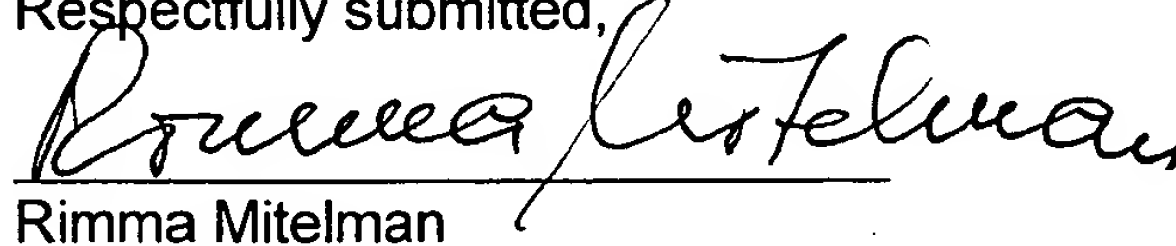
Furthermore, the Examiner has not pointed to any teaching in Shoseyov of the particular ligands that are recited by applicants' claim 1. The Examiner appears to acquiesce that the inventions are not the same by stating that they are "so closely related." The Examiner then alleges that Shoseyov inherently discloses all the elements of applicants' invention. For an inherency rejection, it must be that the reference necessarily and always results in applicants' invention. It is not seen how Shoseyov inherently discloses applicants' ligands, since it does not teach the same, and it is not seen how Shoseyov inherently discloses applicants' equilibrium constant, since it does not even teach applicants' ligands. Consequently, the rejection over Shoseyov should be reconsidered and withdrawn.

In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

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Respectfully submitted,



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